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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/810,283
Filing Date: March 26, 2004
Appellant(s): CANNON ET AL.

Ronald R. Schindler II (40,802)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/26/200/ appealing from the Office action mailed 04/20/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

5,706,049	MOGHADAM et al.	01-1998
6,249,316	ANDERSON	06-2001
5,898,779	SQUILLA et al.	04-1999
7,095,907	BERKNER et al.	08-2006
5,715,334	PETERS	02-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims **1-13**, and **21-43** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims **1**, **21**, and **34** recite a "non-directional signal" to select a portion of the original image. However, Applicant's specification discloses controlling the non-

directional signal via an advance button [Fig. 12 (210)] or a jog dial [Figs. 14, 15 (300)]. Although not explicitly clear, from the description of use, the user presses the advance button, where a highlighted box cycles through the portions of the image until the user stops at the portion of the image that he/she desires, and then presses the save button [Fig. 12 (212)] to designate a currently presented portion [pg. 27, line 29 – col. 28, lines 21]. The jog dial is operable in at least one rotation direction (R). The controller interprets the rotational signal as advance user input [pg. 31, lines 8-15]. Thus, it is unclear how both the advance button of Fig. 12 and the jog dial of Figs. 14 and 15 are considered non-directional if both buttons cycle through the portions of the images in a predetermined direction in order for the user to select the desired portion of the image. Furthermore, as recited in dependent claim 7, the "non-directional" signal further comprises a start and end signal that *sequentially* designates a different one of a set of portions of the original image. Therefore, the portions of the image are not randomly displayed to the user, but rather are defined to be displayed in a predetermined order, i.e., a direction through the tiles.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **1-13**, and **21-43** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims **1**, **21**, and **34** recites the limitation "non-directional signal" to select a portion of the original image. It is unclear how a non-

directional signal is generated if such a signal is controlled via an advance button [Fig. 12 (210)] or a jog dial [Figs. 14, 15 (300)]. From Applicant's disclosure, the user presses the advance button, where a highlighted box cycles through the portions of the image until the user stops at the portion of the image that he/she desires, and then presses the save button [Fig. 12 (212)] to designate a currently presented portion [pg. 27, line 29 – col. 28, lines 21]. The jog dial is operable in at least one rotation direction (R). The controller interprets the rotational signal as advance user input [pg. 31, lines 8-15]. Thus, it is unclear how both the advance button of Fig. 12 and the jog dial of Figs. 14 and 15 are considered non-directional if both buttons cycle through the portions of the images in a predetermined direction in order for the user to select the desired portion of the image. Furthermore, as recited in dependent claim 7, the "non-directional" signal further comprises a start and end signal that *sequentially* designates a different one of a set of portions of the original image. Therefore, the portions of the image are not randomly displayed to the user, but rather are defined to be displayed in a predetermined order, i.e., a direction through the tiles. There is insufficient antecedent basis for this limitation in the claim.

Thus, in light of the 35 U.S.C. 112, first and second paragraph rejections, the "non-directional signal" limitation of claims **1-13**, and **21-43** is rejected as the non-directional signal being of a predetermined direction rather than a cursor controlled signal where the user can navigated to the desired portion of the original image without having to cycle though all the portions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims **1-4**, **7-18**, **34-36**, and **44-46** are rejected under 35 U.S.C. 103(a) as being obvious over Moghadam et al. (5,706,049) in view of Anderson (6,249,316 B1).

Moghadam teaches the limitations of claims **1-4**, **7-18**, **34-36**, and **44-46** with the exception of teaching the designated portion having a magnification. However, Anderson teaches selecting an image from a grid of images on a digital camera and maximizing the selected image on the display.

In regards to claim **1**, Moghadam teaches a camera (digital or photographic) that includes an image receiver for capturing an image of an object. As shown in Fig. 4, the digital camera comprises of an external LCD (42) (said ***display***). Furthermore, the digital camera can have an electronic viewfinder (76) as shown in Fig. 6. The internal LCD panel (18) generates a grid-like pattern (30) (i.e. tile pattern), which defines individual tile areas (32), one or more of which may be designated as an active area (said ***determine a set of portions***) [col. 3, lines 9-31]. As shown in Fig. 2(b), the tile pattern (30) partitions the image of source (28) where at least one portion is non-central, i.e. tile (34) (said ***non-central***). Each tile area (32) is capable of being individually

highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The digital camera has a thumbwheel switch (38) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other (said ***non-directional signal***) [col. 3, lines 31-44]. The "hot spot" switch (40) causes further change in the highlighted tile (34), such as the overall graying of the area such that a darkened underlying image is seen through a grey tint (said ***display of portion evaluation image***) [col. 3, lines 46-48]. The choosing of a specific tile (e.g. tile '34') (said ***area of importance***) indicates an importance to the user; otherwise the user would not have chosen the tile.

Anderson teaches a digital camera that includes a viewfinder for displaying a plurality of the image cells. The digital camera also includes navigation control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37].

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) since

the external display of Moghadam would be too small for the user to see the details of the even smaller selected tile.

In regards to claim **2**, Fig. 2(b) of Moghadam illustrates the entire image of object (28) which is being captured, is shown to the user (30). Furthermore, tile '34' is highlighted within the entire image of the object, thus the user can determine where the area of importance (e.g. highlighted tile '34') is within the image. As a further example, as shown in Fig. 10, the device can be coupled to a computer, and on the display screen (110), the entire image (114) is displayed to the user with a highlighted region (112) marked, so the user can determine where the area of importance is within the image.

In regards to claim **3**, Moghadam teaches the tile area identified as active "hot spot" areas (said ***area of importance data***) are noted in a tiling table (said ***metadata***) contained as a separate tiling field (58) in a file header (60) of the image format (62). The presence or absence of an active area in a certain tile area in the overall tile grid (said ***original image***) is noted with a "1" or a "0" [col. 4, lines 18-36]. The data identifying the active area is recorded together with the image signal in memory [col. 5, lines 23-26].

In regards to claim **4**, Moghadam teaches the camera can be a conventional photographic camera where the image receiver would then be a photographic film [col. 3, lines 1-3]. As illustrated in Fig. 5, the data identifying the location of the active areas

(said ***metadata***) is recorded on designated magnetic areas in the film (14b) [col. 5, lines 4-8].

In regards to claim **7**, Moghadam teaches where each tile area (32) is capable of being individually highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The digital camera has a thumbwheel switch (38) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other (said ***non-directional signal***) [col. 3, lines 31-44]. The "hot spot" switch (40) causes further change in the highlighted tile (34), such as the overall graying of the area such that a darkened underlying image is seen through a grey tint (said ***area of importance***) [col. 3, lines 46-48]. Although Moghadam does not explicitly teach a start and end signal, it is implicit that a start signal is generated in response to the jog wheel cycling through the tile areas and the end signal is when the user has chosen a specific tile, i.e. "hot spot" and ends the cycling of the jog wheel. Additionally, Anderson teaches a digital camera that includes a view finder for displaying a plurality of the image cells. The digital camera also includes navigation control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted

cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37].

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) since the external display of Moghadam would be too small for the user to see the details of the even smaller selected tile.

In regards to claim **8**, Moghadam teaches where each tile area (32) is capable of being individually highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The digital camera has a thumbwheel switch (38) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other (said ***non-directional signal***) [col. 3, lines 31-44]. The "hot spot" switch (40) causes further change in the highlighted tile (34), such as the overall graying of the area such that a darkened underlying image is seen through a grey tint (said ***area of importance***) [col. 3, lines 46-48]. Although Moghadam does not explicitly teach a start and end signal, it is implicit that a start signal is generated in response to the jog wheel cycling through the tile areas and the end signal is when the user has chosen a specific tile, i.e. "hot spot" and ends the cycling of the jog wheel.

In regards to claim **9**, Moghadam teaches where each tile area (32) is capable of being individually highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The digital camera has a thumbwheel switch (38) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other (said ***subsequent non-directional signal***; said ***first non-directional signal*** is direction to the initial start of the cycling through the tile areas) [col. 3, lines 31-44]. The "hot spot" switch (said ***determination of designated portion***) (40) causes further change in the highlighted tile (34), such as the overall graying of the area such that a darkened underlying image is seen through a grey tint (said ***area of importance***) [col. 3, lines 46-48]. Although Moghadam does not explicitly teach predefined time, it would have been obvious to one of ordinary skill in the art that the user designates a particular tile since the user has stopped cycling (said ***predefined time***).

In regards to claim **10**, Moghadam teaches if the "hot spot" button is pressed (said ***save user input action***) [Fig. 4 (70e)], the active area is further grayed (70f), and the tile area location is stored in a buffer (said ***save input***) (step 70g) [col. 4, lines 52-54].

In regards to claim **11**, Moghadam teaches if the photographer has a change of mind, the "hot spot " button (40) would be programmed so that the photographer could return

to a designated tile area, put the button and erase the tile area as an active area (said ***reset***) [col. 4, lines 56-60].

In regards to claim **12**, Moghadam teaches tile pattern selection switch for selecting a particular tile pattern [Figs. 1, 3]. Although Moghadam does not explicitly teach the tile pattern being less than 10 portions, it would have been obvious to one of ordinary skill in the art at the time the invention was made that such an option would be provided in order for the user to choose a larger portion of the image at one time.

In regards to claim **13**, Anderson teaches a digital camera that includes a view finder for displaying a plurality of the image cells. The digital camera also includes navigation control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37].

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) since the external display of Moghadam would be too small for the user to see the details of the even smaller selected tile.

In regards to claim **14**, claim 14 recites the same limitations as claims 1 and 10 (claim 10 in regards to save command). Therefore, the same rationale used for claims 1 and 10 is applied. Furthermore, Anderson teaches a digital camera that includes a viewfinder for displaying a plurality of the image cells. The digital camera also includes navigation control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37]. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) since the external display of Moghadam would be too small for the user to see the details of the even smaller selected tile (said ***showing each portion having magnification***).

In regards to claim **15**, both Moghadam and Anderson teach a digital camera. Furthermore, Moghadam teaches a conventional photographic camera.

In regards to claims **16**, Moghadam teaches combining the selected tile pattern (said ***designation of set of portions***) with the image signal (said ***original image***) for display

on the electronic viewfinder (76) (combined tile pattern with image signal corresponds to said ***evaluation image***) [col. 5, lines 15-24].

In regards to claim **17**, Moghadam teaches highlighting (said ***indicia***) tiles that are being designated [col. 3, lines 24-48]

In regards to claim **18**, Anderson teaches a digital camera that includes a view finder for displaying a plurality of the image cells. The digital camera also includes navigation control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37].

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) (said ***evaluation image containing only image information from the currently selected portion***) since the external display of Moghadam would be too small for the user to see the details of the even smaller selected tile.

In regards to claim **34**, claim 34 recites the same limitations as claim 1. Therefore, the same rationale used for claim 1 is applied.

In regards to claim **35**, claim 35 recites the same limitations as claim 11. Therefore, the same rationale used for claim 11 is applied.

In regards to claim **36**, Moghadam teaches tile pattern selection switch for selecting a particular tile pattern [Figs. 1, 3].

In regards to claim **44**, claim 44 recites the same limitations as claim 14. Therefore, the same rationale used for claim 14 is applied.

In regards to claim **45**, Moghadam teaches where each tile area (32) is capable of being individually highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The digital camera has a thumbwheel switch (38) (said ***advance***) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other [col. 3, lines 31-44].

In regards to claim **46**, Moghadam teaches if the "hot spot" button is pressed (said ***save user input action***) [Fig. 4 (70e)], the active area is further grayed (70f), and the tile area location is stored in a buffer (said ***save input***) (step 70g) [col. 4, lines 52-54].

Additionally teaches the tile area identified as active "hot spot" areas (said ***area of importance data***) are noted in a tiling table (said ***metadata***) contained as a separate tiling field (58) in a file header (60) of the image format (62). The presence or absence of an active area in a certain tile area in the overall tile grid (said ***original image***) is noted with a "1" or a "0" [col. 4, lines 18-36]. The data identifying the active area is recorded together with the image signal in memory [col. 5, lines 23-26].

2. Claims **5**, and **6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam et al. (5,706,049) in view of Anderson (6,249,316 B1) as applied to claim 1 above, and further in view of Squilla et al. (5,898,779).

Moghadam in view of Anderson teaches the limitations recited in claims **5** and **6** with the exception of generating and resampling a revised image based on the area of importance. However, Squilla teaches designating an area of importance, compressing, and then saving the image.

Squilla teaches generating a hashed value of the digital file from the selected (area of importance) region. The area of importance is encrypted (claim **5**, said ***revised image***) [col. 7, lines 1-20]. The selected image regions are first compressed prior to hashing by the compression module inside the camera (claim **6**, said ***resampled***) [col. 8, lines 20-52].

Thus, it would have been obvious to one of ordinary skill in the art to implement a hashing and compression scheme in order to save processing time and the storage requirements are reduced [Squilla: col. 7, lines 7-20].

3. Claims **21-25**, **28-30**, **33**, and **39** are rejected under 35 U.S.C. 103(a) as being obvious over Moghadam et al. (5,706,049) in view of Anderson (6,249,316 B1) as applied to claim 1 and 34 above, and further in view of Berkner et al. (7,095,907).

Moghadam in view of Anderson teaches the limitations of claims 21-25, 28-30, 33, and 39 with the exception of teaching predefined anchor points. However, Berkner teaches anchor points of segments within an image.

In regards to claim **21**, claim 21 recites the same limitations as claim 14. Therefore, the same rationale used for claim 14 is applied. Additionally, Moghadam teaches tile pattern selection switch for selecting a particular tile pattern (said ***defining number of portion evaluation images***) [Figs. 1, 3].

Berkner teaches a method and apparatus to receive an image and create a smaller representation. The reduced size is given by an output border and output image content. The border is given by a shape and a size. An anchor point position to locate the border is determined. An anchor point for a rectangle or square could be the upper left corner, while the anchor point for a circle may be the center [col. 16, lines 59-67]. Furthermore, from an entire image, an image segment can be selected. The shape can be selected from a list of shapes and flexible sizes [col. 20, line 50 – col. 21, line 3]. Such a method and apparatus may be applied to digital camera displays [col. 21, lines 29-30].

Thus, it would have been obvious to one of ordinary skill in the art to include anchor points within the tiles of Moghadam in view of Anderson in order to locate the border of the tiles. This would be beneficial when alternate tile designs are used and manipulation to single tiles is performed.

In regards to claim **22**, Anderson teaches highlighting a cell (420) and pressing the function key (412) under "View" soft key will cause the full-sized image to be displayed in the view finder (402) [col. 5, lines 35-39]. Thus, magnifying the cell determines the shape of the portion within the original shape. The same reason to combine as applied to claim 21 is incorporated herein.

In regards to claim **23**, claim 23 recites the same limitations as claims 2 and 21. Therefore, the same rationale used for claims 2 and 21 is applied.

In regards to claim **24**, claim 24 recites the same limitations as claims 3 and 21. Therefore, the same rationale used for claims 3 and 21 is applied.

In regards to claim **25**, claim 25 recites the same limitations as claims 4 and 21. Therefore, the same rationale used for claims 4 and 21 is applied.

In regards to claim **28**, Anderson teaches a digital camera that includes a view finder for displaying a plurality of the image cells. The digital camera also includes navigation

control button for positioning a highlight area around one of the plurality of image cells [*abstract*]. As shown in Fig. 4, the user may navigate through a series of displayed cells (420) and select a cell, i.e. cell '420' that is encircled with a highlighted area (430) [col. 5, lines 5-10]. The user can use the "View" soft key function (410) where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37]. The same rationale to combine as recited in claim 21 is applied herein.

In regards to claims **29** and **30**, Moghadam teaches predetermined tile patterns the user can select from [col. 3, lines 35-40; col. 4, lines 1-7]. Additionally, Berkner teaches the use of anchor points as recited in the rationale of claim 21. Furthermore, Anderson teaches use the selected cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37]. The same rationale for combining Moghadam and Anderson as applied to claim 21 is incorporated herein. Therefore, it would have been obvious to one of ordinary skill in the art to implement the anchor points of Berkner with the tile patterns of Moghadam and Anderson so that position of the anchor points locate the borders [Berkner: col. 16, lines 59-67] of each segment within the selected tile pattern and tile.

In regards to claim **33**, Anderson teaches where the highlighted cell becomes a full-sized image that is displayed on the view finder (402) (said ***magnification input***) [col. 5, lines 33-37]. The same rationale to combine as recited in claim 21 is applied herein.

In regards to claim **39**, claim 39 recites the same limitations as claims 34 and 22. Therefore, the same rationale used for claims 34 and 22 is applied.

4. Claims **26**, **27**, **31**, and **32** are rejected under 35 U.S.C. 103(a) as being obvious over Moghadam et al. (5,706,049), Anderson (6,249,316 B1), in view of Berkner et al. (7,095,907) as applied to claims 21 and 22 above, and further in view of Squilla et al. (5,898,779).

Moghadam, Anderson, and Berkner teach the limitations recited in claims **26** and **27** with the exception of generating and resampling a revised image based on the area of importance. However, Squilla teaches designating an area of importance, compressing, and then saving the image.

Squilla teaches generating a hashed value of the digital file from the selected (area of importance) region. The area of importance is encrypted (claims **26**, **31**, said ***revised image***) [col. 7, lines 1-20]. The selected image regions are first compressed prior to hashing by the compression module inside the camera (claim **27**, said ***resampled***) [col. 8, lines 20-52]. This is then saved (claim **32**, said ***replace original***).

Thus, it would have been obvious to one of ordinary skill in the art to implement a hashing and compression scheme in order to save processing time and the storage requirements are reduced [Squilla: col. 7, lines 7-20].

5. Claims **37**, **38**, and **40-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moghadam et al. (5,706,049) in view of Anderson (6,249,316 B1) as applied to claim 34 above, and further in view of Peters (5,715,334).

Moghadam in view of Anderson teaches the limitations of claims **37**, **38**, and **40-43** with the exception of disclosing analyzing techniques. However Peters teaches an "image information enhancement" technique for processing digital images, wherein enhancement of image detail contrast is accomplished by adding a differential hysteresis pattern to a digital image.

In regards to claims **37** and **38**, Peters teaches visual pattern recognition (said ***defining portions***) [col. 15, lines 28-45]. Furthermore, Peters teaches pixel-accurate intensity processing by analyzing an image based on the full intensity of the human visual range. Implicitly, maximum clarity or distinctness of an image rendered by an optical system is known as focus [col. 5, lines 29-47]. Therefore, it would have been obvious to one of ordinary skill in the art to implement the pixel-accurate intensity of Peters connected with Moghadam's lens system [Moghadam: col. 3, lines 10-31], in order to determine the main subjects within the image and to secure that they are in focus.

In regards to claim **40-43**, Peters teaches detail extraction and enhancement techniques in relation to width. Additionally, Peters teaches selective extraction of details [col. 18, lines 21-41]. Although not explicitly taught, implicitly this selective extraction of details analyzes the original image to identify potential subjects in the original image and

defining portions that correspond to the identified potential subjects. Furthermore, the analysis identifies illumination patterns, which is a degree of visibility on the image. Thus, it would have been obvious to one of ordinary skill to modify the teachings of Moghadam in view of Anderson with the relationship of extraction of width definition to automatically define the tiles of Moghadam to be dependent of important portions of the image.

(10) Response to Argument

(1) In regards to the 35 USC 112, 1st and 2nd paragraph rejection, Applicant argues the "non directional signal" does not contain directional signal, where the user does not designate or suggest a direction of movement when making an input. However, Applicant's specification discloses jog dial (300) that is operable in at least one rotation direction (R). The controller interprets the rotational signal as advance user input [pg. 31, lines 8-15]. Thus, by pressing the advance button (e.g., rotating jog dial (300)), portions of the original image, such as a tile shown in Fig. 4, is shown to the user. As the user continues to press the advance button, additional portions are displayed. Furthermore, as recited in dependent claim 7, the "non-directional" signal further comprises a start and end signal that *sequentially* designates a different one of a set of portions of the original image. Therefore, the portions of the image are not randomly displayed to the user, but rather are defined to be displayed in a predetermined order, i.e., a direction through the tiles. Therefore, the advance signal comprises a directional component. Furthermore, with regards to Moghadam, the

digital camera has a thumbwheel switch (38) [Figs. 1, 3] which functions both as a tile pattern section switch (38a) for selecting a particular tile pattern (30) and as a tile area designation switch (38b) for cycling through the tile areas (32) and highlighting one tile area after the other [col. 3, lines 31-44]. The designation switch (38b) acts as Applicant's advance button which, when pressed, cycles through the tiles and allows the user to designate a particular tile as a hot spot. Furthermore, similar to the switch of the current invention, the switch of Moghadam does not allow the user to designate a specific direction, such as left or right. Thus, Moghadam teaches the limitations of Applicant's input signal.

(2) Applicant argues the ability to combine Moghadam and Anderson. Applicant remarks that Moghadam teaches modifications *prior* to capture [pg. 14 of Appeal Brief]. Although Examiner do not deny that Moghadam defines his system as prior to capture, with reference to Fig. 4, all modifications to the image is performed ***after*** the image is captured by the image receiver (14), shown as CCD (14a) [col. 3, lines 61-65]. Thus, from Fig. 4, the hot spot selections are made to a captured image via the switches (36, 38a, 38b, 40) through logic control unit (54) and then combined with signal processing (52) and output to memory (48).

(3) Applicants argue Moghadam in view of Anderson fails to teach a single signal type to select a portion of an image. Claims 1-4, 7-13, and 34-43 fail to explicitly limit the claims to recite a *single signal type* to select a portion of an image.

(4) Applicant argues Moghadam fails to teach an area of importance. Examiner respectfully disagrees. Although Moghadam does not explicitly recite the word

importance, it would have been obvious to one of ordinary skill in the art to use other terminology to describe a portion of the image being crucial or meaningful to the user. Additionally, Moghadam teaches each tile area is capable of being individually highlighted for consideration, such as the highlighted area (34) [col. 3, lines 24-27]. The "hot spot" switch (40) causes further change in the highlighted tile (34), such as the overall graying of the area such that a darkened underlying image is seen through a grey tint [col. 3, lines 46-48]. Thus, although this highlighted tile is not explicitly termed as an *area of importance*, by highlighting a specific tile, the specific tile is distinguished from the remaining tiles. Furthermore, Applicant's disclose that the area of importance can be determined by the user as a portion of the original image that is important to the user [pg. 24. lines 4-7; 19-25; Fig. 13 (s234)]. Thus, the hot spots of Moghadam clearly teach an area of importance.

(4) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to modify the invention of Moghadam to include the "View" magnification of Anderson in order for the user of Moghadam to see in greater detail their selection (i.e. highlighted tile) since the external display of

Moghadam would be too small for the user to see the details of the even smaller selected tile. As previously mentioned, Although Moghadam defines his system as *prior* to capture, from Fig. 4, all modifications to the image is performed ***after*** the image is captured by the image receiver (14), shown as CCD (14a) [col. 3, lines 61-65]. Thus, from Fig. 4, the hot spot selections are made to a captured image via the switches (36, 38a, 38b, 40) through logic control unit (54) and then combined with signal processing (52) and output to memory (48). Thus, it would have been obvious to one of ordinary skill in the art to implement the magnification of Anderson with the selection of hot spots of Moghadam in order for the user to see in greater detailed the content of the selected hot spot in order to determine if indeed, such a hot spot should be defined.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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